

## **REMARKS**

Applicant respectfully requests reconsideration of this application. Claims 1-30 are pending. Claims 1, 9, 12-14, 16, 19, 21, 24, and 28 have been amended. Claims 15 and 20 have been cancelled. No claims have been added. Therefore, claims 1-14, 16-19, and 21-30 are now presented for examination.

### **Claim Rejection under 35 U.S.C. §103**

#### **Aoshima, et al.**

The Examiner rejected claims 1, 2, 4-8, and 24-27 under 35 U.S.C. 103(a) as being unpatentable over U.S Patent No. 5,510,859 of Aoshima, et al. (“Aoshima”).

It is respectfully submitted that Aoshima does not teach or suggest the elements of the claims, as amended herein.

As amended, claim 1 is as follows:

1. A method, comprising:  
receiving requirements for a plurality of modules;  
determining an inter-module dependency tree, the inter-module dependency tree being based on the requirements; and  
modifying a module function in accordance with the inter-module dependency tree.

Among other elements, claim 1 provides for modifying a module function in accordance with an inter-module dependency tree. Among other differences, it is submitted that Aoshima does not contain this element. Aoshima describes a program debugging support method and apparatus. For this reason, Aoshima is not concerned with the dynamic operation of a program, but rather with expressions of the program for use in identifying errors.

Aoshima provides that, to achieve the stated objects regarding specifying an execution position or error occurring position of a program, “a module relation diagram is formed which indicates a structure of an overall program and a hierarchical tree structure of a calling relationship of each module.” However, Aoshima goes on to state that “[t]his module is displayed together with a source program. In addition, an execution position of the program on a position where an error occurs is displayed on a corresponding position of the source program displayed and the module relation diagram.” (Aoshima, col. 2, lines 22-31) Aoshima further states that “[t]o display the execution position on the module relation diagram, information indicative of the module calling relationship is stored beforehand in a tree table, according to which the module relation diagram is displayed.” (Aoshima, col. 2, lines 32-36) Aoshima is not describing a structure that is used in operation, but rather a structure for use in creating displays and reports for debugging and program analysis.

This is further shown in the other portions of Aoshima that discuss the tree structure. For example, Figure 2 of Aoshima when an error is found 511, a text table is formed 519 and displays regarding the execution of the program are provided 520-521. “In process 520, the error occurrence positions are displayed on both the module relation diagram and in the source text. Here, a reference is made to the previously set tree table and the contents of the text table.” (Aoshima, col. 9, lines 62-65) The module relations and related tree structure shown in Aoshima are tools for error checking and debugging of programs.

Aoshima does not provide for modifying a module function in accordance with the inter-module tree. The Office Action cites to a number of portions of Aoshima for

this element, but these are not relevant. What is shown in Aoshima is that that tree data represents the operation and relationships of the modules, but this has no connection with modifying a function in accordance with an inter-module tree. Aoshima does not provide for making any modifications of functions of modules, but rather describes displays and reports that may be used in debugging. As described by Aoshima, any changes in a program could not be *in accordance* with the tree data, but rather would be intended to modify and correct the program, which may then result in *changing* the tree data when the program is run again.

It is submitted that the above arguments also applies to independent claims 24 and such claim is thus also allowable. The remaining claims are dependent claims and are allowable as being dependent on the allowable base claims.

### **Claim Rejection under 35 U.S.C. §103**

#### **Aoshima, et al. in view of APA**

The Examiner rejected claims 3, 9-11, 15, 16, 28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Aoshima in view of subject matter described as admitted prior art (APA).

The subject matter described by the Examiner as admitted prior art does not teach or suggest the elements of the claims missing from Aoshima, as argued above. For this reason, Aoshima and this material, separately or in combination, do not teach or suggest the elements of the independent claims presented in the application. The rejected claims are dependent claims that are allowable as being dependent on the allowable base claims.

Further, it is submitted that there is no motivation shown for combining Aoshima with the APA material. As indicated above, Aoshima describes a debugging process.

The Office Action has combined this with material regarding the storing of parameters and initialization of modules. There is no connection between these materials and they cannot be combined for purposes of obviousness.

### **Claim Rejection under 35 U.S.C. §103**

#### **Aoshima, et al. in view of APA and Young**

The Examiner rejected claims 13, 14, 17, and 18 under 35 U.S.C. 103(a) as being unpatentable over Aoshima in view of subject matter described as admitted prior art and further in view of U.S Patent No. 6,560,606 of Young (“Young”).

Young does not teach or suggest the elements of the claims missing from Aoshima, as argued above. Young contains no teaching or suggestion of an inter-module dependency tree. For this and other reasons, Aoshima, the APA, and Young, separately or in any combination, do not teach or suggest the elements of the independent claims presented in the application. The rejected claims are dependent claims that are allowable as being dependent on the allowable base claims.

Further, it is submitted that there is no motivation shown for combining Aoshima with Young. It is required that a motivation for combination of references be shown. The Office Action indicates that “the configuration storage would provide tracking and enforcing the ordering of data processing by the processing modules.” Even if this is correct and relevant, this is not a showing of motivation. A showing that a combination provides an attractive result is not a showing of a motivation for the combination.

Again, Aoshima describes a debugging process. Young regards processing data with multiple modules and counters, and specifically regards a metering and processing system for processing metered information that incorporates configurable processing

modules and a configuration manager. There is no connection between these materials and they cannot be combined for purposes of obviousness.

### **Claim Rejection under 35 U.S.C. §102**

#### **Young**

The Examiner rejected claims 12 and 19-23 under 35 U.S.C. 102 (b) as being anticipated by Young.

Independent claims 12 and 19 have been amended herein. Such claims now include an element regarding a system controller to modify a module function in accordance with an inter-module dependency tree. It is submitted that, among other differences, Young does not contain these elements. As indicated above, Young contains no teaching or suggestion of an inter-module dependency tree, and thus does not anticipate independent claims 12 and 19.

The remaining rejected claims are dependent claims that are allowable as being dependent on the allowable base claims.

#### **Conclusion**

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 09-0457 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

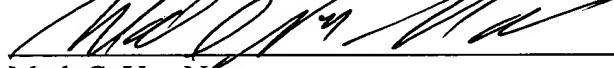
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/15/04



Mark C. Van Ness  
Reg. No. 39,865

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(303) 740-1980